

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA

v.

JASON DALE MOORE,

Defendant.

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Case No. 2:17CR00015-007

OPINION AND ORDER

By: James P. Jones
United States District Judge

Jason Dale Moore, Pro Se Defendant.

The defendant, a federal inmate sentenced by this court, has submitted a letter that I will treat as a motion seeking his release on home confinement under the provision of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136, § 120003(b)(2), 134 Stat. 281, 515 (2020), that provides that

HOME CONFINEMENT AUTHORITY.—During the covered emergency period, if the Attorney General finds that emergency conditions will materially affect the functioning of the Bureau, the Director of the Bureau may lengthen the maximum amount of time for which the Director is authorized to place a prisoner in home confinement under the first sentence of section 3624(c)(2) of title 18, United States Code, as the Director determines appropriate.

The first sentence of section 3624(c)(2) of title 18 provides that the Director of the Bureau of Prisons may place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment or six months.

The defendant here seeks home confinement to assist his parents care for his two children. The Acting Warden of his prison denied his request under the CARES Act on the basis of criteria established by the Attorney General.

The CARES Act does not provide power to the federal courts to grant extended home confinement. That authority is granted solely to the Attorney General and the Bureau of Prisons. *United States v. Brummett*, No. 20-5626, 2020 WL 5525871, at *2 (6th Cir. Aug. 19, 2020) (unpublished). Accordingly, I cannot overrule the Bureau of Prison's decision in this case.

For the reasons stated, it is **ORDERED** that the letter motion by the defendant, ECF No. 228, is DENIED.

ENTER: February 19, 2021

/s/ JAMES P. JONES

United States District Judge